

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.

In re

Determination of Royalty Rates and Terms
for Making and Distributing
Phonorecords
(Phonorecords IV)

Docket No. 21-CRB-0001-PR
(2023–2027)

**REVISED RATES AND TERMS TO
GEORGE JOHNSON’S (“GEO”) WRITTEN DIRECT STATEMENT**

Participant George Johnson (“GEO”), a *pro se* Appellant songwriter, respectfully submits these Revised Rates and Terms to GEO’s Written Direct Statement (“WDS”) in accordance with 37 C.F.R. § 351.4(b)(3)¹.

RATES AND TERMS

On October 13, 2021, GEO submitted rates and terms in his WDS but inadvertently omitted a mechanical-only subscriber rate now offered at (\$2.60).

GEO also submitted a 50/50 split between musical works and sound recordings for Subpart B but omitted a proper percentage of service revenue model rate. GEO proposes 25% of service revenue while holding at 50% of label payments.

¹ <https://www.ecfr.gov/current/title-37/chapter-III/subchapter-B/part-351#351.4>, 37 C.F.R. § 351.4(b)(3), *Claims*, “No party will be precluded from revising its claim or its requested rate at any time during the proceeding up to, and including, the filing of the proposed findings of fact and conclusions of law.”

Finally, GEO previously offered 2 per-play rates, but now only proposes one, revised per-play rate of \$0.0026 cents. These rates are by the *greater of* formula.

The above proposed rates include, and do not preclude, GEO's previously proposed rates and terms of a 9.1 cent lost inflation adjustment, several BUY button configurations, terminating the unlimited limited download loophole, *et al.*

Depending on the outcome of the *Phonorecords III* remand, and considering the Katz, Watt, and Eisenach analyses (and of Shapley), GEO may propose a 44% increase in the 9.1 cent rate, *after* a lost inflation adjustment to 56 cents. (81 cents)

GEO will file an Amended Written Direct Statement with the above offered rates and terms before the scheduled deadline², but wanted to revise and clarify my earlier submission for Subpart B rates as well as the proposed per-subscriber rate.

Respectfully,

By: /s/ George D. Johnson
George D. Johnson, Pro Se
an individual songwriter and publisher
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*George D. Johnson (GEO), an individual
songwriter and music publisher d.b.a.
George Johnson Music Publishing (GJMP)
(formerly BMI)*

Sunday, October 24, 2021

² Pursuant to the Board's Order Granting Joint Motion to Modify the Case Scheduling Order, eCRB Docket No. 25555 (Aug. 3, 2021)

CERTIFICATION OF SERVICE

I, George D. Johnson, (“GEO”) an individual Appellant songwriter, music publisher and Participant, hereby certifies that a copy of the foregoing George Johnson’s (GEO) Revised Rates and Terms to Written Direct Statement for *Phonorecords IV* has been served this 24th day of October, 2021 by the eCRB electronic system to the CRB, all Participants and/or Counsel.

Sunday, October 24, 2021

By: /s/ George D. Johnson

George D. Johnson, Pro Se
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*George D. Johnson (GEO), an individual
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George Johnson Music Publishing (GJMP)
(formerly BMI)*

Proof of Delivery

I hereby certify that on Sunday, October 24, 2021, I provided a true and correct copy of the GEORGE JOHNSON'S (GEO) REVISED RATES AND TERMS WRITTEN DIRECT STATEMENT PER SUBSCRIBER to the following:

Copyright Owners, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

Powell, David, represented by David Powell, served via ESERVICE at davidpowell008@yahoo.com

Spotify USA Inc., represented by Joseph Wetzel, served via ESERVICE at joe.wetzel@lw.com

Google LLC, represented by Gary R Greenstein, served via ESERVICE at ggreenstein@wsgr.com

Joint Record Company Participants, represented by Susan Chertkof, served via ESERVICE at susan.chertkof@riaa.com

Zisk, Brian, represented by Brian Zisk, served via ESERVICE at brianzisk@gmail.com

Amazon.com Services LLC, represented by Joshua D Branson, served via ESERVICE at jbranson@kellogghansen.com

Apple Inc., represented by Mary C Mazzello, served via ESERVICE at mary.mazzello@kirkland.com

Signed: /s/ George D Johnson